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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General*

Addendum

I. Introduction

1. In its resolutions 56/153 of 19 December 2001 and 57/203 of 18 December 2002, the General Assembly requested the Secretary-General to prepare a comprehensive report on the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, taking into account the views of Member States. Moreover, the Assembly decided to continue consideration of the question at its fifty-eighth session under the item entitled "Human rights questions".

2. In compliance with paragraph 11 of those resolutions, the Secretary-General, in a note verbale dated 2 May 2002, invited Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

3. As at 17 July 2003, a reply had been received from the Government of the Libyan Arab Jamahiriya and was reproduced in the report of the Secretary-General (A/58/185). Soliciting additional replies, the Secretary-General, in a note verbale dated 17 July 2003, again invited Member States to present their practical proposals and ideas. On 5 August 2003, the Office of the United Nations High Commissioner

* The present addendum has been submitted late in order to ensure that all the relevant information provided by Governments is before the General Assembly.

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for Human Rights received a reply from the Government of the Russian Federation, which is reproduced in section II below.

II. Replies received from Governments

Russian Federation

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General considerations

4. The Russian Federation attaches great importance to United Nations action in the field of human rights and shares the view contained in the Vienna Declaration and Programme of Action, adopted in 1993 by the World Conference on Human Rights, that the human rights situation in a particular country can be a legitimate concern of the international community. At the same time, we categorically reject double standards and the politicization of human rights and the use of human rights questions as a means of exerting pressure in international relations.

5. We are convinced that the discussion of human rights in the United Nations should bring countries closer together and promote the development of constructive cooperation in the humanitarian sphere, taking due account of the specific characteristics of countries and regions and their cultural and historical traditions in this field.

6. The Russian Federation has repeatedly stressed that, in the promotion, protection and full realization of all human rights and fundamental freedoms, the guiding principles must be non-selectivity, impartiality and objectivity. Today, these principles take on new meaning in the light of the Secretary-General's declared intention to integrate the human rights component into all areas of United Nations activities.

Functioning of the Commission on Human Rights

7. First of all, it is necessary to emphasize the Russian Federation's position that any mechanical or technical measures to reform the Commission on Human Rights will not lead to concrete results and will not contribute to increasing the effectiveness of its work, unless all interested parties take measures to ensure the effective depoliticization of intergovernmental cooperation in the field of human rights, including in the framework of the Commission.

8. The Russian Federation is concerned at recent proposals to classify all States as "exemplary" or "guilty" in terms of their compliance with human rights standards and thereby introduce additional criteria for membership of the Commission. We are convinced that such initiatives not only fail to serve the purpose of fostering constructive and equitable cooperation among States but also contradict the Charter of the United Nations.

9. The Russian side has repeatedly pointed out that the status of delegations should be strictly observed when deciding on the rules of procedure for a given session, which includes the allocation of time for statements. It is quite logical that the primary right to intervene during sessions of the Commission, which is an

intergovernmental forum with a limited number of members, belongs to the members of the Commission that were elected in accordance with the established procedure. Any attempt to limit the participation of members of the Commission in the work of the sessions, including by means of cutting a speaker's time in favour of observers, undermines the aforementioned status of the Commission.

10. We also believe that it is inadvisable to modify the Commission's agenda. Previous experience has demonstrated that the present agenda is the most appropriate in terms of taking into account the interests of various States and groups of States.

11. Practice has shown that, during the Commission's regular sessions, the time allocated for discussing its methods of work is clearly insufficient. In this regard, we believe that the idea of establishing a permanent mechanism for consultations on the Commission's methods of work, which could take the form of an intersessional open-ended working group of the Commission on strengthening the effectiveness of the Commission, merits special attention. During the sessions of such a group, the question of strengthening United Nations action in the field of human rights could be considered separately.

12. One of the principal tasks in the effort to increase the effectiveness of the work of the Commission consists, in our opinion, in improving the quality of the dialogue between the participants in the session and the special procedures of the Commission. In this regard, we consider it advisable to maintain the practice of devoting meetings to the presentation of reports of special rapporteurs, special representatives and independent experts, with the possibility of a question-and-answer session. Moreover, the secretariat should transmit to the relevant States, well in advance of the session, the parts of the reports of the special procedures that contain references to those States, as well as information on enquiries and replies to enquiries relating to individual cases. This is equally applicable to the transmittal to the relevant countries of reports on country visits by the thematic or country special procedures.

Activities of the Office of the United Nations High Commissioner for Human Rights

13. The Russian Federation has repeatedly stated its position that the main focus of the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) should be on promoting and strengthening dialogue and cooperation among States within the framework of the United Nations mechanism in the field of human rights. We believe that one of the primary tasks in the reform of OHCHR should be the strengthening of technical assistance and advisory mechanisms with a view to narrowing the gap in the legal protection of individuals between countries with different levels of social and economic development and with basic capabilities in the field of human rights protection. At the same time, we consider that assistance should not be imposed on States and should by no means be conditioned on political dividends.

14. The Russian Federation notes with satisfaction the Office's recent progress in evening out the balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. The Office has traditionally not accorded due attention to the latter set of rights. We expect that the efforts of OHCHR to encourage and promote the realization of economic, social and cultural

rights, in particular the right to development, will be given specific content, which undoubtedly will make it possible to take better account of the interests of diverse groups of countries and increase the Office's prestige.

15. There is room for the further improvement of the effectiveness of OHCHR activities, particularly in the areas of management and staff discipline. We are, in particular, perplexed by the methods of work of certain special procedures of the Commission on Human Rights, or, rather, the relevant Secretariat units that service its activities. Recently, instances in which States have been sent enquiries and urgent appeals with obviously unverified information have become more frequent. Such enquiries and appeals sometimes duplicate each other or overstep the mandates of the special procedures. We consider such a practice unacceptable, since it undermines the authority of the special procedures and diminishes the confidence of States Members in the work of the Office. Moreover, the Russian Federation has recently been concerned at the methods of work of some treaty bodies, which take initiatives that exceed their mandates.

16. The Russian side is particularly disturbed at the practice of transmitting confidential information received by OHCHR under the procedure established by Economic and Social Council resolution 1503 (XLVIII) to the Division for the Advancement of Women at the United Nations Secretariat in New York, since such information then becomes a subject for consideration by the Working Group on Communications established by the Commission on the Status of Women at each regular session.

17. The Russian Federation has repeatedly stated that such actions by OHCHR have no legal basis and only intensify the confrontational attitude that in recent years has, unfortunately, characterized the activities of the Working Group on Communications.

18. Of the other pressing matters relating to the functioning of OHCHR, we remain concerned at the failure to observe the principle of equitable geographical distribution when recruiting OHCHR staff, and the overdependence of the budget of that Office of the Secretariat on the voluntary contributions of a fixed group of donors. This situation diminishes the prestige of OHCHR as an independent and impartial body coordinating universal cooperation in the field of human rights.